

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

NAQUAN HORNE,

Defendant.

10-CR-954 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On December 19, 2023, Defendant Naquan Horne filed a motion, pursuant to 18 U.S.C. § 3582(c)(2), for a reduction of his sentence pursuant to Amendment 821 to the United States Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively. (ECF No. 180.)

“In determining whether, and to what extent, a reduction in the defendant’s term of imprisonment . . . is warranted” pursuant to Amendment 821, the Court must first “determine the amended guideline range that would have been applicable to the defendant if” the Amendment “had been in effect at the time the defendant was sentenced.” U.S.S.G. § 1B1.10(b)(1). A reduction of sentence is not authorized if the relevant amendments do not lower the defendant’s applicable Guidelines range. *See id.* § 1B1.10(a)(2). U.S.S.G. § 1B1.10(b)(2)(A) then provides that, with an exception not relevant here, “the court shall not reduce the defendant’s term of imprisonment . . . to a term that is less than the minimum of the amended guideline range determined under subdivision (1) of this subsection.”

Defendant is ineligible for a reduction in his sentence. As the Court explained in its December 5, 2023 order, which denied two motions filed by Horne for a sentence reduction under 18 U.S.C. § 3582(c), “the recent amendments to the Sentencing Guidelines would not alter

the criminal history category (VI) applicable to Defendant at the time of his sentencing.” (ECF No. 179 at 4.) As a result, Horne is not eligible for resentencing under the recent amendments.

For the foregoing reasons, Horne’s motion is denied.

The Clerk of Court is directed to close the motion at ECF No. 180 and to mail a copy of this Order to:

Naquan Horne
Register No. 63952-054
USP Canaan
P.O. Box. 300
Waymart, PA 18472

SO ORDERED.

Dated: April 1, 2024
New York, New York



J. PAUL OETKEN
United States District Judge